

The Moral Obligation Of Civil Disobedience



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Jan 13, 2024 7 min



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My childhood was unique.

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I attended St. Agnes School in the Oakland neighborhood of the City of Pittsburgh. Contrary to what one might expect, I was one of only a handful of Catholic students enrolled in the school; the typical student at St. Agnes School was black and non-Catholic, with their parents seeking a place of refuge from the Pittsburgh Public Schools.

As such, the battle against slavery and racial segregation in this country occupied a significant part of our instruction time. We learned about the heroes of the Civil Rights Movement, from Rosa Parks to Martin Luther King, Jr. We learned that progress was made specifically by those who refused to obey unjust laws.

In my young, innocent mind, I was left with a simple thought that I have held onto until today: slavery and segregation only were allowed to exist because supposedly “good” people sinned through indifference, and they only came to an end when enough people arose who refused to conform to the injustice of the *status quo*.

My thoughts along these lines were given further substance when Henry David Thoreau’s “On the Duty of Civil Disobedience” was assigned to us in my sophomore year of high school. The moral obligation to disobey unjust laws non-violently and then to accept punishment in the hopes of forcing change was one of the major lessons I took away from my Catholic schooling. The willingness to embrace the consequences of such non-violent direct action was one of the things I admired about the political left, even if I did not count myself one of its members.

Now over twenty years later, I’m forced to ask: what happened to the political left? The immoral thugs of Antifa and other groups commit violence in the name of “direct action.” When police respond they resist or flee instead of peacefully submitting to arrest. Finally, and most damningly, the left denies the right of conscience or protest at all to their perceived enemies, instead surrendering themselves to the logic of totalitarianism.

The year 2020 showed this bizarre betrayal of once-held values in full contrast. Violent riots were called good violations of lockdowns and protests against lockdowns were derided as killing grandma.

At the academic level, a bizarre paper appeared in *Criminal Law and Philosophy* which alleges to address the topic of “Civil Disobedience in Times of Pandemic: Clarifying Rights and Duties.” It examines two scenarios of civil disobedience: “(1) healthcare professionals refusing to attend work as a protest against unsafe working conditions, and (2) citizens who use public demonstration and deliberately ignore measures of social distancing as a way of protesting against lockdown.”

Rather than give the obvious response that the obligation to treat patients even in the presence of danger is a just law (and refusing to do so is not civil disobedience) and protesting the confinement to one’s home by not staying home is a classic case of civil disobedience, the authors spend many paragraphs arriving at the precisely wrong answer: “only the case of healthcare professionals qualifies as morally justified civil disobedience.”

As we approach the holiday of Martin Luther King, Jr. I’d like to suggest that everyone should take the time to read his defense of civil disobedience in “Letter from Birmingham Jail,” which he wrote in response to eight religious leaders who expressed caution and concern against his acts of civil disobedience. The whole thing is worth reading, but in particular I’d like to draw attention to the following four ideas:

1. King lays out what legitimate nonviolent action should look like. Note especially the third step of self-purification which involves the resolve to accept violence against oneself without retaliation and to willingly endure criminal punishment if necessary.

In any nonviolent campaign there are four basic steps: collection of the facts to determine whether injustices exist; negotiation; self purification; and direct action. We have gone through all these steps in Birmingham. There can be no gainsaying the fact that racial injustice engulfs this community. Birmingham is probably the most thoroughly segregated city in the United States. Its ugly record of brutality is widely known.

Negroes have experienced grossly unjust treatment in the courts. There have been more unsolved bombings of Negro homes and churches in Birmingham than in any other city in the nation. These are the hard, brutal facts of the case. On the basis of

these conditions, Negro leaders sought to negotiate with the city fathers. But the latter consistently refused to engage in good faith negotiation...

Mindful of the difficulties involved, we decided to undertake a process of self purification. We began a series of workshops on nonviolence, and we repeatedly asked ourselves: "Are you able to accept blows without retaliating?" "Are you able to endure the ordeal of jail?"

2. Civil disobedience is precisely necessary when society *as a group* needs to be convinced to act morally:

My friends, I must say to you that we have not made a single gain in civil rights without determined legal and nonviolent pressure. Lamentably, it is an historical fact that privileged groups seldom give up their privileges voluntarily. Individuals may see the moral light and voluntarily give up their unjust posture; but, as Reinhold Niebuhr has reminded us, groups tend to be more immoral than individuals.

We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed.

3. King addresses the distinction between just and unjust laws. The former are to be obeyed. The latter are to be broken, but in a loving manner:

You express a great deal of anxiety over our willingness to break laws. This is certainly a legitimate concern. Since we so diligently urge people to obey the Supreme Court's decision of 1954 outlawing segregation in the public schools, at first glance it may seem rather paradoxical for us consciously to break laws. One may well ask: "How can you advocate breaking some laws and obeying others?"

The answer lies in the fact that there are two types of laws: just and unjust. I would be the first to advocate obeying just laws. One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. I would agree with St. Augustine that "an unjust law is no law at all."

Now, what is the difference between the two? How does one determine whether a law is just or unjust? A just law is a man made code that squares with the moral law or the

law of God. An unjust law is a code that is out of harmony with the moral law. To put it in the terms of St. Thomas Aquinas: An unjust law is a human law that is not rooted in eternal law and natural law...

I hope you are able to see the distinction I am trying to point out. In no sense do I advocate evading or defying the law, as would the rabid segregationist. That would lead to anarchy. One who breaks an unjust law must do so openly, lovingly, and with a willingness to accept the penalty. I submit that an individual who breaks a law that conscience tells him is unjust, and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for law.

Of course, there is nothing new about this kind of civil disobedience. It was evidenced sublimely in the refusal of Shadrach, Meshach and Abednego to obey the laws of Nebuchadnezzar, on the ground that a higher moral law was at stake. It was practiced superbly by the early Christians, who were willing to face hungry lions and the excruciating pain of chopping blocks rather than submit to certain unjust laws of the Roman Empire. To a degree, academic freedom is a reality today because Socrates practiced civil disobedience. In our own nation, the Boston Tea Party represented a massive act of civil disobedience.

We should never forget that everything Adolf Hitler did in Germany was "legal" and everything the Hungarian freedom fighters did in Hungary was "illegal." It was "illegal" to aid and comfort a Jew in Hitler's Germany. Even so, I am sure that, had I lived in Germany at the time, I would have aided and comforted my Jewish brothers. If today I lived in a Communist country where certain principles dear to the Christian faith are suppressed, I would openly advocate disobeying that country's antireligious laws.

4. In times of injustice, the moderate who levels the accusation of extremism is the largest obstacle:

I must make two honest confessions to you, my Christian and Jewish brothers. First, I must confess that over the past few years I have been gravely disappointed with the white moderate. I have almost reached the regrettable conclusion that the Negro's great stumbling block in his stride toward freedom is not the White Citizen's Council or the Ku Klux Klanner, but the white moderate, who is more devoted to "order" than to

justice; who prefers a negative peace which is the absence of tension to a positive peace which is the presence of justice; who constantly says: "I agree with you in the goal you seek, but I cannot agree with your methods of direct action;" who paternalistically believes he can set the timetable for another man's freedom; who lives by a mythical concept of time and who constantly advises the Negro to wait for a "more convenient season."

Shallow understanding from people of good will is more frustrating than absolute misunderstanding from people of ill will. Lukewarm acceptance is much more bewildering than outright rejection.

I had hoped that the white moderate would understand that law and order exist for the purpose of establishing justice and that when they fail in this purpose they become the dangerously structured dams that block the flow of social progress. I had hoped that the white moderate would understand that the present tension in the South is a necessary phase of the transition from an obnoxious negative peace, in which the Negro passively accepted his unjust plight, to a substantive and positive peace, in which all men will respect the dignity and worth of human personality.

Actually, we who engage in nonviolent direct action are not the creators of tension. We merely bring to the surface the hidden tension that is already alive. We bring it out in the open, where it can be seen and dealt with. Like a boil that can never be cured so long as it is covered up but must be opened with all its ugliness to the natural medicines of air and light, injustice must be exposed, with all the tension its exposure creates, to the light of human conscience and the air of national opinion before it can be cured.

We live in turbulent times, and the power of civil disobedience has already been demonstrated by truckers in Canada and farmers in Germany. History is replete with examples of determined minorities who break the power of the elites while ignoring the objection of the moderates who love order over justice.

Perhaps we should all go back and read our Augustine, Aquinas, Thoreau, and King. We are all called to the heroism of always choosing to act justly, even in the face of great opposition.

Image: A Truth11.com meme, image from the Canadian Trucker rally. Some police were not from Canada at all.

Source: [The Moral Obligation of Civil Disobedience](#)

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